

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 3:22-cr-132

vs.

BENJAMIN EDWARD LUCAS,

District Judge Michael J. Newman

Defendant.

ORDER: (1) CONDITIONALLY GRANTING THE GOVERNMENT’S MOTION TO STRIKE/AMEND ALLEGATIONS FROM THE INDICTMENT (Doc. No. 41); AND (2) IN THE EVENT DEFENDANT DOES NOT ENTER A PLEA OF GUILTY TO THE CHARGED OFFENSE AS NARROWED BY THIS ORDER, THE GOVERNMENT’S MOTION TO STRIKE/AMEND (Doc. No. 41) IS DEEMED WITHDRAWN, AND THIS ORDER BECOMES A NULLITY

For good cause shown, and in the absence of opposition by Defendant, the Government’s motion to strike/amend allegations from the indictment (Doc. No. 41) is well taken and **CONDITIONALLY GRANTED**, pending Defendant’s plea of guilty to the offense set forth in the indictment as it is narrowed by this Order. The indictment, as modified, narrows the charge pending against Defendant to the following:

Beginning on an exact date unknown, but at least by or on or about February 1, 2022 and continuing up to and including on or about October 11, 2022, in the Southern District of Ohio, and elsewhere, the defendant **BENJAMIN EDWARD LUCAS** knowingly and intentionally conspired together with other individuals, both known and unknown to the Grand Jury, to knowingly and intentionally possess with intent to distribute and to distribute 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B)(vii).

All in violation of 21 U.S.C. § 846.

Doc. No. 41 at PageID 117; *see United States v. Miller*, 471 U.S. 130, 137 (1985); *see also United*

States v. Cobb, 233 F. App'x 524, 533 (6th Cir. 2007).

The Court expresses no opinion regarding whether or not Defendant should proceed to trial or, instead, plead guilty to the charged offense as it is narrowed by this Order. In the event Defendant decides not to enter a plea of guilty to the narrowed charged offense, the Government's motion to strike/amend is deemed **WITHDRAWN**, and this Order becomes a nullity.

IT IS SO ORDERED.

January 2, 2024

s/Michael J. Newman
Hon. Michael J. Newman
United States District Judge